



06-14-06

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PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/714,470-Conf. #2491
	Filing Date	November 13, 2003
	First Named Inventor	Harry C. Dietz
	Art Unit	1634
	Examiner Name	A.M. Shaw
Total Number of Pages in This Submission	Attorney Docket Number	60277(71699)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	EDWARDS ANGELL PALMER & DODGE LLP		
Signature			
Printed name	Peter F. Corless		
Date	June 12, 2006	Reg. No.	33,860

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EV 755 069 695 US, on the date shown below in an envelope addressed to:  
MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 12, 2006

Signature:

(Peter F. Corless)



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EV755069695US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: June 12, 2006

Signature: \_\_\_\_\_

(Peter F. Corless)

Docket No.: 60277(71699)  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Harry C. Dietz et al.

Application No.: 10/714,470

Confirmation No.: 2491

Filed: November 13, 2003

Art Unit: 1634

For: DETECTION OF A PREDISPOSITION FOR  
THE DEVELOPMENT OF CORONARY  
ARTERY DISEASE

Examiner: A.M. Shaw

### RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 12, 2006, applicant hereby provisionally elects Group I, claims 1-13, drawn to a "method for determining a patient's predisposition to develop coronary artery disease and methods for treating a patient suffering from coronary artery disease" for continued examination, with traverse.

The Examiner has required restriction between Group I, claims 1-13, as recited above, and Group II, claim 14, drawn to "a kit for coronary artery disease."

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent.

A complete search and examination of the method of Groups I and the kit of Group II as identified in the Restriction Requirement will be significantly overlapping.

Group I includes methods comprising isolating DNA from a patient and analyzing the DNA to detect the presence of the KL-VS allele. Group II includes kits for coronary artery disease comprising means for analyzing the DNA of a patient to detect the presence of the KL-VS allele. Substantial time and expense for both Applicants and the USPTO will be saved if the subject matter of both Groups is considered at this time, rather than necessitating the filing and examination of a continuing application.

It is respectfully requested that the Restriction Requirement be withdrawn, and that each of claims 1-14 presently pending in this application be examined.

Dated: June 12, 2006

Respectfully submitted,

By 

Peter F. Corless

Registration No.: 33,860

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